

ASSEMBLY BILL

No. 2558

Introduced by Assembly Member Steinorth
(Coauthors: Assembly Members Brown, Lackey, Mayes, Obernolte,
and Rodriguez)
(Coauthors: Senators Fuller, Leyva, and Morrell)

February 19, 2016

An act to amend Section 83123.5 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2558, as introduced, Steinorth. Political Reform Act of 1974: San Bernardino County.

Existing law, until January 1, 2018, authorizes the Fair Political Practices Commission, upon mutual agreement between the Commission and the Board of Supervisors of the County of San Bernardino, to have primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance of the County of San Bernardino, as specified.

This bill would repeal the January 1, 2018, sunset date, thereby extending the operation of these provisions indefinitely.

The bill would make legislative findings and declarations concerning the need for special legislation.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 83123.5 of the Government Code is
2 amended to read:
3 83123.5. (a) Upon mutual agreement between the Commission
4 and the Board of Supervisors of the County of San Bernardino,
5 the Commission is authorized to assume primary responsibility
6 for the impartial, effective administration, implementation, and
7 enforcement of a local campaign finance reform ordinance passed
8 by the Board of Supervisors of the County of San Bernardino. The
9 Commission is authorized to be the civil prosecutor responsible
10 for the civil enforcement of that local campaign finance reform
11 ordinance in accordance with this title. As the civil prosecutor of
12 the County of San Bernardino's local campaign finance reform
13 ordinance, the Commission may do both of the following:
14 (1) Investigate possible violations of the local campaign finance
15 reform ordinance.
16 (2) Bring administrative actions in accordance with this title
17 and Chapter 5 (commencing with Section 11500) of Part 1 of
18 Division 3 of Title 2.
19 (b) Any local campaign finance reform ordinance of the County
20 of San Bernardino enforced by the Commission pursuant to this
21 section shall comply with this title.
22 (c) The Board of Supervisors of the County of San Bernardino
23 shall consult with the Commission prior to adopting and amending
24 any local campaign finance reform ordinance that is subsequently
25 enforced by the Commission pursuant to this section.
26 (d) (1) The Board of Supervisors of the County of San
27 Bernardino and the Commission may enter into any agreements
28 necessary and appropriate to carry out the provisions of this section,
29 including agreements pertaining to any necessary reimbursement
30 of state costs with county funds for costs incurred by the
31 Commission in administering, implementing, or enforcing a local
32 campaign finance reform ordinance pursuant to this section.
33 (2) An agreement entered into pursuant to this subdivision shall
34 not contain any form of a cancellation fee, a liquidated damages
35 provision, or other financial disincentive to the exercise of the

1 right to terminate the agreement pursuant to subdivision (e), except
2 that the Commission may require the Board of Supervisors of the
3 County of San Bernardino to pay the Commission for services
4 rendered and any other expenditures reasonably made by the
5 Commission in anticipation of services to be rendered pursuant to
6 the agreement in the event that the Board of Supervisors of the
7 County of San Bernardino terminates the agreement.

8 (e) The Board of Supervisors of the County of San Bernardino
9 or the Commission may, at any time, by ordinance or resolution,
10 terminate any agreement made pursuant to this section for the
11 Commission to administer, implement, or enforce a local campaign
12 finance reform ordinance or any provision thereof.

13 (f) If an agreement is entered into pursuant to this section, the
14 Commission shall report to the Legislature regarding the
15 performance of that agreement on or before January 1, 2017, and
16 shall submit that report in compliance with Section 9795. The
17 Commission shall develop the report in consultation with the
18 County of San Bernardino. The report shall include, but not be
19 limited to, all of the following:

20 (1) The status of the agreement.

21 (2) The estimated annual cost savings, if any, for the County of
22 San Bernardino.

23 (3) A summary of relevant annual performance metrics,
24 including measures of utilization, enforcement, and customer
25 satisfaction.

26 (4) Any public comments submitted to the Commission or the
27 County of San Bernardino relative to the operation of the
28 agreement.

29 (5) Any legislative recommendations.

30 ~~(g) This section shall remain in effect only until January 1, 2018,~~
31 ~~and as of that date is repealed, unless a later enacted statute, that~~
32 ~~is enacted before January 1, 2018, deletes or extends that date.~~

33 SEC. 2. The Legislature finds and declares that a special law
34 is necessary and that a general law cannot be made applicable
35 within the meaning of Section 16 of Article IV of the California
36 Constitution because of the necessity to avoid an appearance of
37 corruption in the County of San Bernardino's electoral process.
38 The proposed local campaign finance reform ordinance is intended
39 to make it more difficult for candidates and influential individuals
40 and entities to engage in quid pro quo corruption, make the

1 financing of campaigns for elective county offices more
2 transparent, and to make more information, especially financial
3 information, regarding candidates and their supporters available
4 to voters. The continued enforcement of the local campaign finance
5 reform ordinance by the Commission is needed to ensure the
6 integrity of the ordinance.

7 SEC. 3. The Legislature finds and declares that this bill furthers
8 the purposes of the Political Reform Act of 1974 within the
9 meaning of subdivision (a) of Section 81012 of the Government
10 Code.